

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

WILLIE JAMES LOWE, JR.,

Plaintiff,

v.

PATRICK JAMES, et al.,

Defendants.

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No. 1:23-cv-90 MTS

**MEMORANDUM AND ORDER**

This case is before the Court on a review of the record. Self-represented Plaintiff Willie James Lowe, Jr. is on supervised released for federal crimes sentenced out of the United States District Court of the Southern District of Alabama. He is currently detained at the Ste Genevieve Detention Center in Ste Genevieve, Missouri. He brings this civil action against the United States of America, multiple U.S. Marshalls and U.S. Probation Officers, employees of the Federal Bureau of Prisons (“FBOP”), and employees of the Southeast Missouri Behavioral Health Center.

On July 25, 2023, the Court consolidated two other cases filed by Plaintiff Lowe. *See Lowe v. Pecorella*, No. 4:23-cv-798-MTS, Doc. [24] (consolidating action with *Lowe v. Sturdevant*, No. 4:23-cv-799-MTS). Those cases were consolidated to promote judicial efficiency because they involve common questions of law and fact. *Id.* Similar to the two consolidated cases, the case here (*Lowe v. James et al*, No. 1:23-cv-90) also contains allegations regarding Plaintiff’s supervision as a federal offender. Also similar, all of the defendants named in the consolidated cases are also named as defendants in this matter.

The Court understands that the consolidated cases were filed in state court before Plaintiff filed the instant action here. *See Lowe v. Pecorella*, No. 4:23-cv-798-MTS (E.D. Mo. filed May 18, 2023); *Lowe v. Sturdevant*, No. 4:23-cv-799-MTS (E.D. Mo. filed May 26, 2023). However, the Court warns Plaintiff that he cannot pursue relief on the same allegations in separate actions. Federal law embodies policy which precludes splitting a cause of action. *Friez v. First Am. Bank & Tr. of Minot*, 324 F.3d 580, 581 (8th Cir. 2003) (“Res judicata prevents the splitting of a single cause of action and the use of several theories of recovery as the basis for separate lawsuits.”); *Bankers Life & Cas. Co. v. Kirtley*, 338 F.2d 1006, 1011 (8th Cir. 1964) (discussing how a party “cannot split his cause of action ... and that res judicata would preclude recovery for any further damages based upon the same cause of action.”); *Guettel v. U.S.*, 95 F.2d 229, 230-31 (8th Cir. 1938) (discussing how a party cannot “split up their claim ... and prosecute it piecemeal or to present in their first suit only a portion of the grounds upon which they base their claim ... and leave another ground or other grounds to be presented in a subsequent action.”). Currently, the Court is awaiting the filing of an Amended Complaint by Plaintiff in the consolidated matter, due by September 5, 2023. *See Lowe v. Pecorella*, No. 4:23-cv-798-MTS, Doc. [24] (“IT IS FINALLY ORDERED that Plaintiff shall file a First Amended Complaint by September 5, 2023.”).

Unlike Plaintiff’s other consolidated matter before the Court, the case here has a pending motion to proceed *in forma pauperis*. Doc. [2]. As a prisoner, if this motion is granted and Plaintiff is allowed to proceed in this action without prepayment of fees, Plaintiff will still be obligated to pay the full amount of the filing fee over time. *See* 28 U.S.C. § 1915(b)(1). Plaintiff owes no fees in his consolidated cases.

In addition, the Court takes notice of a letter recently filed by self-represented Plaintiff in his consolidated cases, explaining that Plaintiff is overwhelmed with his numerous pending legal


actions and motions to which he needs to reply. *Lowe v. Pecorella*, No. 4:23-cv-798-MTS, Doc. [22]; *Lowe v. Sturdevant*, No. 4:23-cv-799-MTS, Doc. [20].

Given these circumstances, before ruling Plaintiff's motion to proceed *in forma pauperis* and potentially reviewing his Second Amended Complaint, Doc. [9], under 28 U.S.C. § 1915(e)(2)(B) for frivolity and failure to state a claim, the Court would like Plaintiff to clarify, in writing, whether he wants to proceed in this civil matter in *Lowe v. James et al*, No. 1:23-cv-90.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff shall file, by **August 31, 2023**, a notice with the Court, in writing, stating whether he intends to pursue relief against defendants in this action, *Lowe v. James et al*, case No. 1:23-cv-90. If Plaintiff does not intend to proceed with this matter, he should file a motion for voluntary dismissal.

Dated this 26th day of July, 2023

  
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MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE